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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,428	10/31/2000	Blaine D. Gaither	10001666-1	2979

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EXAMINER

TRAN, LAMBERT L

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,826

Applicant(s)

OKADA ET AL.

Examiner

Loan B Nguyen

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1- 37 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 18-19, 27, and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al. (6622143) (hereinafter Okada et al.).

4. As per claim 1, Okada et al. teaches an object collaboration apparatus, wherein objects comprise:

a message receiving portion for monitoring and inputting messages that have been sent over a network (e.g. col. 4 line 47-62);

a message/action reaction relation storage portion for storing relations between messages and information on actions that are reactions to the messages (e.g. Figure 18 and col. 11 line 2-7 and line 42-54); and

an action execution portion that executes actions in accordance with the message/action reaction relations (e.g. col. 5 line 51-55); wherein

if in the message/action reaction relation storage portion, messages associated with an action are expressed as a message pattern and are given as all messages belonging to the scope indicated by that message pattern, and if a message received by the message receiving portion belongs to the scope indicated by the message pattern, then the action is associated with that received message as a reaction (e.g. col. 6 line 36-55).

5. As per claim 2 is rejected for similar reasons as stated above.

6. As per claim 3, Okada et al. teaches an object collaboration apparatus, wherein objects comprise:

a message receiving portion for monitoring and inputting messages that have been sent over a network (e.g. col. 4 line 46-62);

a message/action reaction relation storage portion for storing relations between messages and information on actions that are reactions to the messages (e.g. Figure 18 and col. 11 line 2-7 and line 42-54);

an action execution portion that executes actions in accordance with the message/action reaction relations (e.g. col. 5 line 51-55);

a message/action reaction relation update control portion for controlling an updating of reaction relations between messages and actions in accordance with the necessity to update the message/action reaction relations (e.g. col. 13 line 26-35); and

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a message/action reaction relation organizing portion for associating specified actions to specified messages with the message/action reaction relation update controlling portion (e.g. col. 13 line 8-21); wherein

a new reaction relation between an action and a message is organized by intervening into an existing reaction relation between an action and a message (e.g. col. 14 line 6-27).

7. As per claim 35 is rejected for similar reasons as stated above.

8. As per claim 18, Okada et al. teaches an object collaboration apparatus, wherein objects comprise:

a message receiving portion for monitoring and inputting messages that have been sent over a network (e.g. col. 4 line 47-62);

a message/action reaction relation storage portion for storing relations between messages and information on actions that are reactions to the messages (e.g. Figure 18 and col. 11 line 2-7 and line 42-54);

an action execution portion that executes actions in accordance with the message/action reaction relations (e.g. col. 5 line 51-55);

a message/action reaction condition setting portion (e.g. col. 14 line 1-5); wherein

a message/action reaction condition for executing an action corresponding to a received message is set for each object (e.g. col. 5 line 38-40 and col. 14 line 6-16);

the message/action reaction relation storage portion stores message/action reaction conditions associated with message/action reaction relations (e.g. Figure 18 and col. 11 line 2-7 and line 42-54); and

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the action execution portion executes an action in response to a received message if the message/action reaction condition is fulfilled (e.g. col. 12 line 4-21).

9. As per claims 36 is rejected for similar reasons as stated above.

10. As per claim 19, Okada et al. teaches an object collaboration apparatus, wherein objects comprise:

a message receiving portion for monitoring and inputting messages that have been sent over a network (e.g. col. 4 line 47-62);

a message/action reaction relation storage portion for storing relations between messages and information on actions that are reactions to the messages (e.g. col. Figure 18 and col. 11 line 2-7 and line 42-54);

an action execution portion that executes actions in accordance with the message/action reaction relations (e.g. col. 5 line 51-55); and

an object collaboration relation presentation portion for presenting objects and object collaboration relations that have been organized between objects (e.g. e.g. Figure 18 and col. 11 line 2-7 and line 42-54);

wherein, taking an acceptance scope in which messages inputted by the message receiving portion are acceptable as input message pattern information and taking an output scope to which the action execution portion can output messages as output message pattern information, the object collaboration relation presentation portion presents the object collaboration relations to be presented as collaboration relations between the input message pattern information and the output message pattern information (e.g. Figure 4, Figure 5 and col. 13 line 42-64).

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11. As per claims 37 is rejected for similar reasons as stated above.

12. As per claim 27, Okada et al. teaches an object collaboration apparatus, wherein objects comprise:

a message receiving portion for monitoring and inputting messages that have been sent over a network (e.g. col. 4 line 47-62);

a message/action reaction relation storage portion for storing relations between messages and information on actions that are reactions to the messages (e.g. Figure 18 and col. 11 line 2-7 and line 42-54);

an action execution portion that executes actions in accordance with the message/action reaction relations (e.g. col. 5 line 51-55); and

an object searching portion which, taking a message pattern exchanged between objects that are present on the network as a search key, searches for objects that have this message pattern as an input/output message pattern (e.g. col. 12 line 1-3); wherein

to form an object collaboration from a first object serving as a starting point to a second object serving as an ending point, the object searching portion detects an output message pattern of the first object and an input message pattern of the second object, searches objects collaborating with these message patterns, taking the detected message patterns of the objects as a search key, and forms an object collaboration from the first object serving as the starting point to the second object serving as the ending point (e.g. col. 18 line 26-43).

Double Patenting

13. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. Claims 1-37 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 12, and 18 of U.S. Patent No. 6622143. Although the conflicting claims are not identical, they are not patentably distinct from each other because they discuss the same subject matter, which is monitor, detecting, and transmitting the messages that have been sent over the network. The only difference between the two are:

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The setting of message information is stored in the react table when it execute a corresponding process content by adding or checking the condition flag value 0 or 1 to inform the reaction. In addition, the objects are resided on different hosts storing a reaction table; the first host sends the instruction message to the second host; the key of an entry in the reaction table predetermines the second message.

While another claim recites the message action/reaction executing in response the request message by checking the condition setting portion is fulfilled. The first object is sent and served as the starting point and the second object is received and served as the ending point; also using a search key to search for objects that have a message pattern.

These differences are obvious to one of ordinary skills in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loan B. Nguyen whose telephone number is (703) 305-0358. The examiner can normally be reached on 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Loan B. Nguyen
October 23, 2003



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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